

Matrix 5-2: Cross-reference of Coastal Hazards Laws and Guidance Documents

Program or Activity	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
Delineating the Physical Boundaries of Navigable Waters				
<p>IDENTIFYING NAVIGABLE WATERWAYS AND DELINEATING ORDINARY HIGH WATERMARK: A civil court or an agency with jurisdiction over navigable waterways (such as the ACOE, FERC, or NRC) generally identifies waterways as navigable. An ordinary high watermark provides a physical boundary within which the State is authorized to manage activities in and along navigable waterways.</p>	<p>State v. Kivett 312 IAC 1-1-24 312 IAC 1-1-26</p>	<p>Navigable Waterways: An Indiana river or lake which was capable of commercial navigation in 1816 is today legally navigable. What was then navigable in fact is now navigable in law.</p> <p>Ordinary High Water mark: (1) Established by the fluctuations of water; and (2) indicated by physical characteristics such as the following: (A) A clear and natural line impressed on the bank. (B) Shelving. (C) Changes in the character of the soil. (D) The destruction of terrestrial vegetation. (E) The presence of litter or debris.</p>	<p>NRC, Division of Hearings 402 W. Washington St., Rm. W272 Indianapolis, IN 46204 (317) 232-4699</p>	<p>Not applicable.</p>

Excerpt from Indiana Lake Michigan Coastal Program and Final Environmental Impact Statement April 2002
 Chapter 5: Existing Management Authorities

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Construction Along the Lake Michigan Coast and Other Navigable Waters				
NAVIGABLE WATERWAYS PERMIT PROGRAM: ¹ A permit is required for activities that place, fill, or erect a permanent structure in a navigable waterway; or remove water or material from a navigable waterway.	IC 14-29-1 312 IAC 6 Roster of Indiana Waterways Declared Navigable DNR APPLICATION ASSISTANCE MANUAL (1996)	(1) Whether the activity would unreasonably impair the navigability of the waterway; (2) cause significant harm to the environment; or, (3) pose an unreasonable hazard to life or property. In addition, impact of the activity on the “public trust doctrine,” and the likely affect the activity will have on others must be considered. A navigable waterway permit is not required if a permit for the same project has been obtain under IC 14-21-1, IC 14-28-1, IC 14-29-3, IC 14-29-4, IC 14-34, or IC 14-37 and the requirements of the Navigable Waterways Act have been applied in the project review.	DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 14-29-1 312 IAC 6
EXTRACTION OF SAND AND GRAVEL FROM A NAVIGABLE WATERWAY: This activity is separately addressed under the Navigable Waterways Act and requires a permit to undertake this	IC 14-29-3 312 IAC 6-5-8(b)	(1) Whether or not the project will impede navigation; (2) whether or not the project will damage or endanger a bridge, highway, railroad, public work, utility, or the property of a riparian	DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN	IC 14-29-3 312 IAC 6-5

¹ Additional information regarding the navigable waterways permit program, and the opportunity for electronic permit application filing can be accessed at <http://www.state.in.us/dnr/water>.

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<p>activity. In addition, a royalty fee may be assessed for materials dredged from Lake Michigan.</p>		<p>owner or adjoining proprietor or adjacent permittee; and, (3) whether or not the project will endanger human lives.</p> <p>A project subject to permit under this statute does not require a separate permit under the Navigable Waterways Act (IC 14-29-1) provided the Navigable Waterways Act evaluation criteria are applied as well.</p>	<p>46204 (317) 232-4160 1-877-928-3755</p>	
<p>CREATION OF A CONNECTING CHANNEL: A channel connected to a navigable waterway must be dedicated to public use.</p>	<p>IC 14-29-4</p>	<p>(1) Whether or not the project will constitute an unreasonable hazard to life and property; (2) whether or not the project will result in undue effects upon the water level; (3) whether or not the project will result in undue effects upon fish and wildlife resources; and, (4) whether or not the project will adversely affect public health, safety, and welfare.</p> <p>Prior approval for sewage disposal facilities involved with the channel must be obtained from IDEM.</p> <p>A project subject to permit under this statute does not require a separate permit under the Navigable Waterways Act (IC 14-29-1) provided the Navigable Waterways Act evaluation</p>	<p>DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755</p>	<p>IC 14-29-4</p>

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		<p>criteria are applied as well.</p> <p>There are no exemptions for channels under this statute.</p>		
<p>SECTION 401 WATER QUALITY CERTIFICATION PROGRAM: Certification is required for an activity that may result in any discharge into navigable waters. Activities are reviewed for consistency with state water quality standards. The certification is required before permits sought under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 are approved. See also section titled Natural Areas, Fisheries, Wildlife, and Native and Exotic Species.</p>	<p>33 USC 1341 IC 13-18-4-5 IC 13-13-5-1 327 IAC 2-1.5-5-4</p>	<p>Standards in the water quality rules are applied to the water quality certification program.</p>	<p>IDEM, Office of Water Management 100 N. Senate Ave. Box 6015 Indianapolis, IN 46206-6015 (317) 233-8488</p>	<p>Section 401 water quality certification</p>
<p>SAND NOURISHMENT FUND: Authorization for appropriation and use of funding dedicated by the legislature to protect and increase sand along the Indiana Lake Michigan coast.</p>	<p>IC 14-25-12</p>	<p>Funding can be used for (1) the deposit of sand along the coast of Lake Michigan in Indiana; (2) the design and establishment of systems that cause sand to be deposited along the coast of Lake Michigan in Indiana; and, (3) the prevention or reduction of the degradation of sand along the coast of Lake Michigan in Indiana. The Sand Nourishment Fund currently has no regular source of revenue.</p>	<p>Local state legislator.</p>	<p>Not applicable.</p>

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TECHNICAL ASSISTANCE FOR COASTAL CONSTRUCTION: Assistance is available from the DNR, Division of Water, for technical consultation on shoreline dynamics including lake levels, erosion, lake currents, and the impact of construction along the coast.	312 IAC 6-1-1(f)	Conditions evaluated include how a construction activity is likely to contribute to accretion and erosion to the properties at or near the proposed activity, as well as the impact to the public trust doctrine.	DNR, Division of Water Lake Michigan Specialist 100 W. Water St. Michigan City, IN 46360 (219) 874-8316	Not applicable.